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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/735,873

12/16/2003

Ching-Nan Chu

FP9880

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7590

06/13/2006

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EXAMINER

HENDERSON, MARK T

ART UNIT

PAPER NUMBER

3722

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant No.

10/735,873

Applicant(s)

CHU, CHING-NAN

Examiner

Mark T. Henderson

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED OFFICE ACTION

Faxing of Responses to Office Actions

In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing or responses to Office Actions directly into the Group at (571) 273-8300. This practice may be used for filing papers, which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

Election/Restrictions

1. Applicant's election without traverse of Claims 1-5 in the reply filed on April 20, 2006 is acknowledged. Claims 6-8 have been canceled.

Claim Objections

2. Claims 1-5 are objected to because of the following informalities:

Claim 1 discloses the limitations “the user’s name” in line 1; “the housing” in line 2; “the date” and “the relevant data” in line 4; and “the user” in line 6, which lack antecedent basis.

Claim 2 discloses the limitation “the information” which lacks antecedent basis.

Claims 5 discloses the limitations “the user’s name” in line 1; “the housing” in line 2; “the date” and “the relevant data” in line 4, which lack antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Broselow (6,764,469).

Broselow discloses in Fig. 13-15, a method for indicating a user’s name on a blood sampling pen comprising: providing a see through transparent window on a housing (11 or 211, Col. 6, lines 20-25) of the pen (10) forming a media compartment (space between plunger and

housing) inside the housing; inserting a note (202) indicating comprising any desired indicia (Col. 14, lines 1-19) into the compartment; covering a bottom cap (top of housing) with the plunger top (194, as seen in Fig. 12); wherein the media compartment is a hollow chamber (tubular formation of syringe housing) that is transparent so that note can be seen from outside.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cloyd (3,965,898) in view of Broselow.

Cloyd discloses in Fig. 1, a needle pen comprising mounting a dust cover (22) on top of a needle (21).

However, Cloyd does not disclose: providing a housing having a see-through/transparent window; forming a media compartment inside the housing; indicating a user's name, date and/ or relevant data; covering a bottom cap; a hollow out frame such that the information is visible from the outside.

Broselow discloses in Fig. 13-15, a method for indicating a user's name on a blood sampling pen comprising: providing a see through transparent window on a housing (11 or 211, Col. 6, lines 20-25) of the pen (10) forming a media compartment (space between plunger and housing) inside the housing; inserting a note (202) indicating comprising any desired indicia (Col. 14, lines 1-19) into the compartment; covering a bottom cap (top of housing) with the plunger top (194, as seen in Fig. 12); wherein the media compartment is a hollow chamber (tubular formation of syringe housing) that is transparent so that note can be seen from outside.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Cloyd's method of indicating with a needle pen having a media compartment that is visible through the syringe housing as taught by Broselow for providing assurance that medication is for a particular patient.

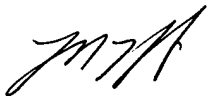
Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sudo et al, Castellano et al, Smith, Frenette et al, Firth et al, Lampkin, Harris, and Shimazaki disclose similar methods of indicating.

Art Unit: 3722

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (571) 272-4477, and informal fax number is (571) 273-4477. The examiner can be reached on Monday-Friday from 9:00AM to 3:45PM. If attempts to reach the examiner by telephone are unsuccessful, the Examiner Supervisor, Monica Carter, can be reached at (571) 272-4475. The formal fax number for TC 3700 is (571) 273-8300.



MTH

June 7, 2006


MONICA CARTER
SUPERVISORY PATENT EXAMINER